mukham road in Ernakulam requires surface treating and it is proposed to apply a seal coat, using mosphalte, a tar product. The work is urgent and is proposed to be carried out this year itself. An estimate amounting to Rs. 11,000 has been prepared and sanctioned for the same. The necessity for the work was not foreseen and no provision was made for it in the current year's budget. So to meet the expenditure, an additional allotment of Rs. 11,000 is necessary.

Rao Sahib K. Ayyappan *(Kanayannur-Ezhuvas):* May I know why this new road is very un-even in many places. All the Kickshaw people are put to great difficulty. Is there any difficulty to make it even?

Mr. President: The part relates to the Shanmukham road and not on the new road.

Demand put and carried

57. 29-A-Civil Engineering—Communication

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* I rise to move for an additional grant of Rs. 16,465 under 29-A-Civil Engineering—Communication—Original. The work of improving the road from Chalakkudi to Kanjirapilli has been taken up and is nearing completion. An expenditure of Rs 12,663—2—1 has been incurred this year on account of this work and a further sum of Rs. 4,000 will be required for future payments to close the accounts. Since there is no provision for this item of work in this year's budget an additional allotment of Rs. 16,465 is necessary.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, some useful information may kindly be supplied. May I know whether this item of work is provided in the current year's budget?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* No.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* When was this work taken up?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* In 1119.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* An expenditure of Rs. 12,000 and odd has already been incurred this year.

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* Yes.

* **Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): Mr. President, I am most unwillingly constrained to oppose this demand and move for its omission. It is a matter, Sir, which affects the powers of this House and negatives the very purpose for which the Legislative Council has been graciously granted by His Highness the Maharaja 20 years back. I will explain the position further. Here an amount of Rs. 16,000 and odd is asked for with the idea that we may vote for so much of expenditure. It was admitted, Sir, when I enquired that this is not an item of work that is provided for in the current year's budget thereby not giving this House an opportunity of going into the necessity or otherwise of that item of work. It is also admitted, Sir, in answer to a querry of mine that as much as Rs. 12,000 and odd have already been spent on this work—so much expenditure has already been incurred is the expression used in the Notes and Rs. 4,000 and odd remain to be paid hereafter. What is it that we understand from the Notes. Without obtaining the sanction of this House and expenditure of Rs. 12,000 has been incurred on the initiative of the Government on an item of work rightly or wrongly considered necessary by them. Regarding the necessity of this item probably we may not have any objection if asked for in proper time and we would have granted it. But that is not at all relevant to the issue. Now this is a clear instance of an huge amount being spent without our consent and this is not the solitary case either. I refer to princely amounts of 4 digits, 5 digits and 6 digits as many as 41 items, items 53 to 94 totalling up to 12 lakhs and more of rupees by way of supplementary grant asked for by the Hon'ble Member for Engineering. A part of the expenditure which is now sought for to be granted by the House has already been incurred. I respectfully submit, Sir, that this Council has been ignored by the process of spending money without consulting it and now after doing that requesting the House to grant the whole amount is adding insult to injury. I could respectly request all sections of the House and especially the ministerialist to seriously consider the implications and be pleased to act accordingly. I move that the grant be omitted. May I know, Sir, whether any member can speak on this motion after the Government Member states his case, for I find the Government Member is going to reply.

Mr. President: Any Hon'ble Member may speak.

* Speech not corrected by the Hon'ble Member.

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Mr. V. K. Aravindaksha Menon *(Chief Engineer):* I must at the very outset say that there has been no intention on the part of the Government to insult this House by taking up a work without sanction. The very fact that I came here for this small amount of Rs. 4,000 would show it is our intention not to refute or not to take the views of this Council in spending money on public works. This Kanjirappilli-Chalakkudi road is a short cut for going in continuation of the Anamalais road. It makes a saving of 2½ to 3 miles. The road was not in a proper condition and we had to take up this road work urgently on account of the fact that large quantities of timber had to be transported from the Forest. So we took the initiative in improving this road and it was considered to be an urgent work.

Mr. P. Govinda Menon *(Ernakulam):* When was this work taken up?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* It was taken up in 1119 but it was omitted to be mentioned in the Budget. It is because of that that I move for this small sum of Rs. 4,000 to take the full consent of this House in regard to this work.

Mr. President: It is said that the work was started in 1119. Why was it not possible to make provision in the budget for 1120?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* There was not time enough to include that in the Budget proposals.

Mr. President: Why was it impossible to include it in 1120 Budget?

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* I think it might have been late in the year the work was found necessary. I cannot say now. I shall give the information later. It appears since budgets have to be sent by Medam it may not have been possible to include that in the 1120 budget also.

Mr. Joseph C. Cherayath *(Nellayi):* Sir, what we have to say is only this. Government may be right in their expenditure. Whether we are to say Aye to every supplementary grant that is brought in this House. Without consulting this House certain items are brought in. Several items are brought at the end of the year. When it is possible for the Government to foresee all these items we insist that such items should be included in the budget estimate. That is all the point we have to raise in this House.

Mr. P. Govinda Menon *(Ernakulam):* Sir, the explanation offered by the member for works has I think made the matter worse. This work it is admitted was taken up in the year 1119 and it is very difficult to believe that he did not get sufficient time to have the matter included in the budget for 1120. After the Budget session of 1119 when the budget for 1120 was discussed three sittings of this House took place in 1120 when again the matter could have been brought before this House and the member could have got the consent of his House. Therefore it is abundantly clear that in executing this work the Government has not cared to ascertain the views of this House and to get its consent before incurring this item of expenditure. The necessity for opening this road or improving this road rather is absolutely irrelevant in the consideration of this discussion. If the House goes to vote on this matter it is not on the question of the desirability or otherwise of this matter. We have when such matters come to the notice of this House to establish a principle that it is improper to execute works without getting the approval of this House as set out by the Hon'ble Member for Wadakancheri. The demands of the Hon'ble Member for works are very huge. Large items of expenditure are being claimed by way of supplementary grants. Under the circumstances, on principle, we will have to refuse this grant and not on the issue of the merits of the works executed by the Hon'ble Member.

Mr. President: I should like to add a word at this stage, and to question the wisdom of the line of argument taken by the last speaker. He said that the question whether the work was necessary or not was irrelevant. I do not agree. I can take his point that expenditure of this sort ought not to be incurred without a vote of the House. I am entirely at one with him there. But in this case expenditure has been incurred, work has been done without the vote of the House. I do not quite agree with him that the proper remedy is o throw out this grant. It may embarrass to Government if he does that; and possibly that is his intention. But I do not think it will really make if I may say so for the efficiency of the conduct of the work in this House. Let Hon'ble Members by all means lodge their protest in the most emphatic terms that they can against money being spent and work undertaken before the house has a change of expressing an opinion on it. But I doubt whether the course advocated by the last speaker is the wisest and safest in the circumstances.

Mr. P. Govinda Menon *(Ernakulam):* With your leave Sir, I think any discussion whether this work was necessary or not is out of place now.

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Mr. President: Order, order. I took that point and I tried to make it clear. Apparently I failed. I shall try to make it clearer. Money has been spent wrongly in the sense that it was spent before this House voted the grant. Wheter the work was necessary or not is relevant to the question whether the House will now pass the vote for the money.

Mr. P. Govinda Menon *(Ernakulam)*: Assuming Sir, the work taken up by the Hon'ble Member for works was unsatisfactory it would not have been voted for by this House. What can the House do? The House can only refuse a grant which has not been incurred after a vote of this House. But the same argument now advanced by the learned President will then be available—after all amount has been spent.

Mr. President: No, no, sir. That argument will not be available if the money has been spent on a work which is not approved.

Mr. P. Govinda Menon *(Ernakulam)*: I venture to think that the principle involved in the matter is very very important. Now, after all, this is the 57th supplementary grant that is moved in this House and it is only on this grant we have taken objection to. It is because of the flagrant nature of the violation involved in the matter. It is only when the matter was raised by a discussion even the Diwan-President was appraised of the fact.

Mr. President: No, no, Sir. I knew it before.

Mr. P. Govinda Menon *(Ernakulam)*: It was only when we raised our protest on the matter that the Diwan President was reminded of the fact that large amounts were spent without a vote of this House. I think we are not given all the privileges of this House. That is why you were reminded of this fact that large amounts have been thus spent. Now what is the use of our emphatic protest if we do not reduce the matter to a vote and demostrate to the House how we feel about the matter? Unless we demonstrate to Government how we feel on this matter, how can Government know? This should never be repeated. Only if the House unmistakebly go to the extreme length of refusing this grant then only Government will understand. It is our duty to refuse a grant which has been incurred without its vote. That is the principle involved in this matter and it is on that principle that we oppose.

Mr. President: I do not wish to prolong the argument. I only wish to take up one point. The Hon'ble Member said the only way to give expression to their feelings on this matter is to refuse the grant. I disagree with them. That is one way of doing it. If that is the opinion of the House it is perfectly open to the House to take that line. But that is not the only way. I venture to suggest that the more effective way is to give their voice as they have already done to their feelings in this matter. I have already stated myself that I agree with them that it is wrong procedure and I will give a further undertaking that as far as I can I will see that money is not spent in this way or that works are not undertaken in this way before the vote of the House is obtained. I leave it there.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Now Government have explained the situation.

Mr. President: I do not think any further discussion is necessary. The Hon'ble Member is opposing and not moving a motion and an opposer has no right of reply.

Motion is declared carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: A pol', Sir.

Poll was taken 18 against and 14 for the grant.
Demand negatived.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Nutrals may be noted.

Mr. President: No, Sir.

58. 29-A—Civil Engineering—Communication—Maintenance

Mr. V. K. Aravindaksha Menon *(Chief Engineer)*: Sir, I rise to move for an additional allotment of Rs. 68,072 under "29—A—Civil Engineering—Communication—Maintenance".

The current year's allotment for the maintenance of roads including the lump provision made towards the tender excess amounts to Rs. 6,43,763 (individual provisions totalling to Rs. 2,43,763 plus Rs. 4,00,000 towards tender excess). But owing to the high tender rate prevailing now, this amount is found to be inadequate. Hence an additional amount of Rs. 68,072 is required for this year's payments. As the expenditure will have to be met this year itself, an additional allotment of Rs. 68,072 is necessary under "29—A—Civil Engineering—Communication—Maintenance".

Demand put and carried.

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